

**REMARKS**

The Final Office Action mailed December 30, 2005, has been received and reviewed. Claims 1, 2, 4 through 6, 8 through 15, and 17 through 19 are currently pending in the application. Claims 1, 2, 4 through 6, 8 through 15, and 17 through 19 stand rejected. Applicants propose to amend claims 17 and 18, and respectfully request reconsideration of the application as proposed to be amended herein.

**35 U.S.C. § 112 Claim Rejections**

Claims 17 and 18 stand rejected under 35 U.S.C. § 112, first paragraph, as containing subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. Applicants respectfully traverse this rejection, as hereinafter set forth.

Claims 17 and 18 are supported by the Specification at least at paragraph [0016]. However, in an attempt to facilitate allowance of Claims 17 and 18, Applicants propose to amend Claims 17 and 18 herein. In particular, Claims 17 and 18 are amended to replace the recitations “equidimensional substrates” with the recitations “equidimensionally cross-sectioned structures” which recitations are supported by the Specification at least at paragraph [0016]. Furthermore, Claim 17 is amended to include the recitations “so as to present a non-equidimensional cross-sectional footprint” which is also supported by paragraph [0016] of the Specification.

Although the proposed amendments to Claims 17 and 18 alter the specific language of the claims to conform to the language recited in the Specification, the proposed amendments do not alter the scope of Claims 17 and 18.

Applicants respectfully request entry of the amendments to Claims 17 and 18 and the withdrawal of the 35 U.S.C. § 112, first paragraph, rejection of Claims 17 and 18.

**35 U.S.C. § 103(a) Obviousness Rejections****Obviousness Rejection Based on U.S. Patent No. 5,709,910 to Argyle et al. in view of U.S. Patent No. 3,618,919 to Beck**

Claims 1, 2, 4 through 6, 8 through 13, 15, 17, and 18 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Argyle et al. (U.S. Patent No. 5,709,910) in view of Beck (U.S. Patent No. 3,618,919). Applicants respectfully traverse this rejection, as hereinafter set forth.

A *prima facie* obviousness rejection is not proper when the combination of references relied upon for the obviousness rejection fails to teach or suggest all of the recitations of the claims. *See*, M.P.E.P. § 2142 (citing, *In re Vaeck*, 947 F.2d 488, 20 USPQ2d 1438 (Fed. Cir. 1991)). The combination of Argyle et al. with Beck fails to establish a *prima facie* obviousness rejection of the pending claims. In particular, the combination of Argyle et al. with Beck fails to teach or suggest all of the recitations of Claims 1 and 15 as alleged by the Final Action.

Claim 1 is an independent claim which recites, in part, “an entry seal in communication with the processing chamber, the entry seal comprising at least one baffle having an adjustable non-equidimensional aperture to accept a substrate of substantially matching, but slightly smaller, cross-section.” The Final Action admits that “Argyle et al fails to teach the at least one baffle of the entry seal having an adjustable non-equidimensional aperture.” *See, Final Action* at p. 3. Thus, Argyle et al. admittedly fails to teach or suggest all of the recitations of Claim 1. The rejection relies upon the combination of Argyle et al. with Beck to allegedly teach or suggest all of the recitations of Claim 1. As pointed out in Applicants’ previous response to the Office Action mailed July 19, 2005, the combination of Beck and Argyle et al. fails to teach or suggest all of the recitations of Claim 15, and of Claim 1.

The Final Action alleges that Beck teaches or suggests a baffle as recited in independent Claim 1. In particular, the Final Action alleges that Beck teaches or suggests an “adjustable gas barrier such that the aperture is adjustable in size such as taught by Beck.” *See, Final Action* at p. 3. The teachings of Beck, however, do not teach or suggest “at least one baffle having an adjustable non-equidimensional aperture” as recited in Claim 1. The lack of such teaching or suggestion by Beck, and the failure of Argyle et al. to teach or suggest such a baffle, precludes a

*prima facie* obviousness rejection.

In response to Applicants' previous arguments that the combination of Argyle et al. with Beck failed to make obvious Claim 15, the Final Action indicates that such an argument was non-persuasive because "the adjustable gate gas barrier of Beck reads on a baffle in that it regulates the flow of gases from adjacent treatment zones in his apparatus." (emphasis added). However, the "baffle" taught by Beck does not read on "at least one baffle having an adjustable non-equidimensional aperture" as recited in Claim 1.

The "baffle" of Beck (defined by Beck as "member 56") does not include an aperture of any sort. Instead, the member 56 "is adjustable in height" for the purpose to "selectively accommodate products of different heights being conveyed through a furnace." *See, Beck* at col. 1, lines 40-46. The position of Beck's "baffle" may therefore be adjustable but Beck does not teach or suggest an aperture in the baffle which is adjustable. The failure of Beck to teach or suggest such an aperture precludes a *prima facie* obviousness rejection because neither Beck nor Argyle et al. teach or suggest a baffle having an adjustable non-equidimensional aperture as recited in Claim 1. *See, In re Vaeck*, 947 F.2d 488, 20 USPQ2d 1438 (Fed. Cir. 1991).

Furthermore, a *prima facie* obviousness rejection requires that some suggestion or motivation exist to combine the references and that the suggestion or motivation be taught by the references or originate from knowledge generally available to one of ordinary skill in the art. *Id.* No such motivation exists to combine the references to arrive at a structure that includes "at least one baffle having an adjustable non-equidimensional aperture" as recited in Claim 1.

The Final Action alleges that the motivation to combine Argyle et al. with Beck is the "obvious advantage of enabling one to treat a variety of sizes of a substrate of a given cross-section in his process without frictional engaging the substrate." *See, Final Action* at p. 3. The Final Action further alleges that it would have been obvious to substitute the baffle of Beck for the gas barriers of Argyle et al. to treat a variety of sizes of a substrate of a given cross-section. *Id.* at p. 7. However, if the baffles of Beck were incorporated with the structure of Argyle et al., the only control over the baffle would be height control as taught by Beck. The baffle of Beck could be moved up and down within the apparatus of Argyle et al. but there would not be a controllable aperture in the baffle.

The only motivation to provide “at least one baffle having an adjustable non-equidimensional aperture” as recited in Claim 1 is the Specification of the pending application, which is not a proper source of motivation for a *prima facie* obviousness rejection. Neither Argyle et al. nor Beck teach or suggest that an adjustable aperture in a baffle is desirable, let alone feasible. Furthermore, the Final Action does not present any knowledge in the art which would motivate one to combine Beck with Argyle et al. to arrive at a baffle having an adjustable aperture as recited in Claim 1. The lack of any motivation to combine the references to achieve a system as recited in Claim 1 precludes a *prima facie* obviousness rejection.

The lack of a teaching or a suggestion in either reference, of “at least one baffle having an adjustable equidimensional aperture” as recited in Claim 1 precludes a *prima facie* obviousness rejection of Claim 1. In addition, the lack of motivation to combine the cited references to teach or suggest all of the recitations of Claim 1 precludes a *prima facie* obviousness rejection of Claim 1. For at least the foregoing reasons, the 35 U.S.C. § 103(a) rejection of Claim 1 should be withdrawn.

Claims 2, 4 through 6, 8 through 13, 15, 17, and 18 depend, either directly or indirectly, on independent Claim 1. As dependent claims of an allowable independent claim, each of Claims 2, 4through 6, 8 through 13, 15, 17, and 18 are also allowable. *See*, M.P.E.P. § 2143.03 (citing, *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988) (if an independent claim is nonobvious under 35 U.S.C. 103, then any claim depending therefrom is nonobvious.)). Therefore, Applicants respectfully request the withdrawal of the 35 U.S.C. § 103(a) obviousness rejection of dependent Claims 2, 4through 6, 8 through 13, 15, 17, and 18 based upon the combination of Argyle et al. with Beck.

Obviousness Rejection Based on U.S. Patent No. 5,709,910 to Argyle et al. in view of U.S. Patent No. 3,618,919 to Beck and U.S. Patent No. 2,545,576 to Godley

Claims 14 and 19 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Argyle et al. (U.S. Patent No. 5,709,910) in view of Beck (U.S. Patent No. 3,618,919) and Godley (U.S. Patent No. 2,545,576). Applicants respectfully traverse this rejection, as hereinafter set forth.

Claim 14 depends from Claim 1, which is nonobvious. As a dependent claim of a nonobvious independent claim, Claim 14 is also nonobvious. *See*, M.P.E.P. § 2143.03 (citing, *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988)). Applicants respectfully request the withdrawal of the 35 U.S.C. § 103(a) rejection of Claim 14.

Claim 19 is an independent claim and includes, in part, the recitations of “an entry seal, wherein the entry seal is adjustable” and “an exit seal...wherein the exit seal is adjustable.” The cited references do not teach or suggest such recitations and therefore fail to establish a *prima facie* obviousness rejection of Claim 19.

The Final Action admits that “Argyle et al fails to teach the exit seal is adjustable to at least one of a different size and shape for accepting different substrates.” *See, Final Action* at p. 6. Applicants submit that Argyle et al. also fails to teach an adjustable entry seal as recited in Claim 19. Furthermore, neither Beck nor Godley teach or suggest an entry seal or an exit seal that may be adjustable as recited in Claim 19. Although the baffle of Beck may be raised and lowered, Beck does not teach or suggest an entry seal or an exit seal. The baffle of Beck is positioned within the muffle zones of a furnace. In particular, Beck teaches that its baffle may be used to isolate the respective gas atmospheres of adjacent muffle zones. Beck does not teach or suggest that its baffles may be used as entry and exit seals as recited in Claim 19. Furthermore, Godley fails to teach or suggest entry and exit seals as recited in Claim 19.

The failure of the combination of references to teach or suggest entry and exit seals that are adjustable as recited in Claim 19 precludes a *prima facie* obviousness rejection of Claim 19. For at least these reasons, Applicants respectfully request the withdrawal of the 35 U.S.C. § 103(a) rejection of Claim 19.

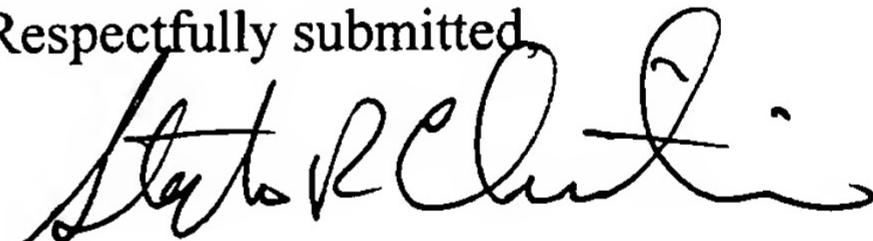
**ENTRY OF AMENDMENTS**

The proposed amendments to claims 17 and 18 above should be entered by the Examiner because the amendments are supported by the as-filed specification and drawings and do not add any new matter to the application. Further, the amendments do not raise new issues or require a further search. Finally, if the Examiner determines that the amendments do not place the application in condition for allowance, entry is respectfully requested upon filing of a Notice of Appeal herein.

**CONCLUSION**

Claims 1, 2, 4 through 6, 8 through 15, and 17 through 19 are believed to be in condition for allowance, and an early notice thereof is respectfully solicited. Should the Examiner determine that additional issues remain which might be resolved by a telephone conference, he is respectfully invited to contact Applicants' undersigned attorney.

Respectfully submitted,



Stephen R. Christian  
Registration No. 32,687  
Attorney for Applicants  
P.O. Box 1625  
Idaho Falls, ID 83415-3899  
Phone: (208) 526-9140  
Fax: (208) 526-8339

Date: 16 FEB 2006  
SRC/dlm

Document in ProLaw